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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,098	01/27/2006	Soren Erik Knudsen	P08844US00/DEJ	1918
881	7590	09/11/2007	EXAMINER	
STITES & HARBISON PLLC			KERNs, KEVIN P	
1199 NORTH FAIRFAX STREET			ART UNIT	PAPER NUMBER
SUITE 900			1725	
ALEXANDRIA, VA 22314			MAIL DATE	DELIVERY MODE
			09/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/566,098	KNUDSEN, SOREN ERIK
Examiner	Art Unit	
Kevin P. Kerns	1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 August 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/1/07.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102/103***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Buhrer et al. (US 3,601,161).

As to claims 1 and 7, Buhrer et al. disclose a molding sand supply apparatus and method for its use, comprising a sand reservoir (2) for delivering sand, a belt conveyor (4), a flask (9), and means for controlling belt speed (not shown). As to claims 2, 3, and 8, guide plates (6) are operable to distribute sand. As to claims 4 and 9, a funnel (5) is operable to guide falling sand (abstract; column 3, lines 59-75; column 4, lines 1-52; column 5, lines 59-66; and Figures 1-4). With regard to independent claims 1 and 7, Buhrer et al. disclose a means for controlling the belt conveyor speed and a method for its use, which would inherently and/or obviously lead to a speed profile and controlled, varied distribution of sand delivered to and filling the flask relative to the speed of the

belt conveyor; such that the controlled, varied distribution of sand is advantageous for efficiently filling the flask with sand, in particular at the end of the sand filling process, so that the flask would not become overfilled (leading to overflow and wasteful spillage) with sand, as one of ordinary skill in the art would have readily recognized.

***Claim Rejections - 35 USC § 103***

4. Claims 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhrer et al. (US 3,601,161) in view of JP 60-191635.

Buhrer et al. disclose and/or suggest the claimed invention above, but lack the mentioning of detecting the weight with sensors.

However, JP '635 discloses weight sensors to monitor the weight ratio (abstract; and Figures 4, 7, and 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have weight sensors taught by JP '635, in Buhrer et al., in order to monitor the weight of the sand (JP '635; abstract).

***Response to Arguments***

5. The examiner acknowledges the applicant's amendment and Information Disclosure Statement (IDS) received by the USPTO on August 1, 2007. The IDS has been considered and initialed, and a copy of the IDS is provided with this Office Action. Claims 1-10 remain under consideration in the application.

6. Applicant's arguments filed August 1, 2007 have been fully considered but they are not persuasive.

With regard to the applicant's remarks/arguments on pages 1-3 (Attachment A) of the amendment, the applicant is referred to the newly underlined portions in above section 3, as Buhrer et al. provide the apparatus and method substantially as claimed in amended independent claims 1 and 7, inclusive of the "varied" (or "variable") distribution of sand, which is clearly controllable by Buhrer et al. In other words, the addition of "varied" does not further limit "controlled", as "controlled" implies a "variable" process.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kevin P. Kerns whose telephone number is (571) 272-1178. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jonathan Johnson can be reached on (571) 272-1177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin P. Kerns *Kevin Kerns 9/8/07*  
Primary Examiner  
Art Unit 1725

KPK  
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September 8, 2007